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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,057	03/23/2004	David M. Brooke	016295.1595	4038
23640	7590	10/12/2005		
BAKER BOTTS, LLP 910 LOUISIANA HOUSTON, TX 77002-4995			EXAMINER QUELER, ADAM M	
			ART UNIT 2178	PAPER NUMBER

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,057

Applicant(s)

BROOKE ET AL.

Examiner

Adam M. Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 07/01/2005.
2. Claims 1-10 are pending in the case. Claims 1, 5, 8 are independent claims.
3. The double patenting rejections of claim 1-10 are withdrawn in light of the Terminal Disclaimer.
4. The rejections of claims 5-7 under 35 U.S.C. 101 are withdrawn in view Applicant's amendment.

Response to Declaration

5. The declaration filed on 07/01/2005 under 37 CFR 1.131 is sufficient to overcome the Mazzocchi reference.

Claim Rejections - 35 USC § 103

6. **Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh et al. (USPN 6012098, filed 2/23/1998), and further in view of Monday et al. (US006480860B1, filed 2/11/1999).**

Regarding independent claims 1, 5, and 8, Bayeh teaches a script (servlet) for generating content to be included into a XML document (col. 10, ll. 46-58). This is the first document, represented by item 90' in Fig. 4. Bayeh teaches the scripts are Java servlets. Bayeh teaches these servlets have many complicated tasks, such as retrieving data in response a user request (col. 6, ll. 55-56), connecting to a database (col. 7, ll. 43-45), querying the database, (col. 7, ll. 46-48), and formats the XML, (col. 8, ll. 13-16). The Office submits that it would be impossible to do these tasks without having some kind of control statement in the servlet, whether it is an *if* statement, or a *for* loop, or the query itself, and therefore a control statement was inherent. At

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the least, it would have been obvious to one of ordinary skill in the art at the time of the invention to some sort of error control, for example, a conditional error message if the servlet cannot find the database, as Official Notice is taken that it was a well-known desirable feature of programs to have error handling. Bayeh also discloses using a second document, a DTD that specifies the style of the content in the XML document (col. 11, ll. 1-5). Bayeh teaches the purpose of the DTD is to format the data by inserting the tags that relate to the content from the database, such as <email> (col. 11, ll. 14-19). Bayeh does not explicitly disclose generating the DTD. Monday teaches generating a DTD from a database schema (col. 1, ll. 51-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the DTD of Bayeh, with the generated DTD of Bayeh, so that the DTD could be dynamically generated for new data types (Monday, col. 7, ll. 32-40), and so that the database and document would correspond (Bayeh, col. 11, ll. 14-19).

Regarding dependent claims 2, 6, and 9, Bayeh teaches transforming the first and second documents into an XML document (col. 11, ll. 1-3).

Regarding dependent claim 3, 7, and 10, Bayeh teaches converting the XML document to an output document for a selected display (col. 11, l. 53 – col. 12, l. 12).

Regarding dependent claim(s) 4, Bayeh teaches a plurality of user scripts that further generate that first and second documents in the same manner as cited in the rejection of claim 1 (col. 9, ll. 30-63).

Response to Arguments

7. Applicant's arguments filed 07/01/2005 have been fully considered but they are not persuasive.

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Regarding Applicant's remarks on claim 1:

Applicant alleges that that servlets do not have control statements. However, Bayeh teaches these servlets have many complicated tasks, such as retrieving data in response a user request (col. 6, ll. 55-56), connecting to a database (col. 7, ll. 43-45), querying the database, (col. 7, ll. 46-48), and formats the XML, (col. 8, ll. 13-16). The Office submits that it would be impossible to do these tasks without having some kind of control statement in the servlet, whether it is an *if* statement, or a *for* loop, or the query itself, and therefore a control statement was inherent. At the least, it would have been obvious to one of ordinary skill in the art at the time of the invention to some sort of error control, for example, a conditional error message if the servlet cannot find the database, as Official Notice is taken that it was a well-known desirable feature of programs to have error handling.

Applicant alleges that the there is no first document. However, Bayeh teaches a script (servlet) for generating content to be included into a XML document (col. 10, ll. 46-58). This is the first document, represented by item 90' in Fig. 4.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
9/27/2005